

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

SOUTH KINGSTOWN
SCHOOL COMMITTEE

v.

CA 13-127 ML

JOANNA S., as Parent

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Objection to a Report and Recommendation issued by Magistrate Judge Sullivan on September 19, 2013 (Docket # 19). The Magistrate Judge recommends that this Court grant Plaintiff's Motion for Summary Judgment and deny Defendant's cross Motion for Summary Judgment.

This case is in a somewhat unusual procedural posture for an appeal from an Administrative Decision of an Impartial Due Process Hearing Officer pursuant to 20 U.S.C. § 1400, et seq. in that the parties to the instant action had, prior to the filing of this matter, entered into a Settlement Agreement. That Settlement Agreement resolved the claims made by Plaintiff which were the subject of the First Due Process Proceeding. Those claims, as the Magistrate Judge correctly found, are identical to those Plaintiff is attempting to re-litigate in this proceeding. This Court agrees with the Magistrate Judge's conclusion that the Settlement Agreement is enforceable, and thus it precludes the claims Plaintiff advanced in the Second Due Process hearing. Thus, the hearing officer erred in granting the relief sought by Plaintiff in that proceeding.

For these reasons, this Court adopts the recommendation of the Magistrate Judge. Plaintiff's Motion for Summary Judgment (Docket #11) is GRANTED. Defendant's Motion for Summary Judgment (Docket #13) is DENIED.

The Clerk is directed to enter judgment in favor of Plaintiff.

SO ORDERED:

/s/ Mary M. Lisi
United States District Judge
January 14, 2014